



Amendment to the Zoning Ordinance to Streamline the Regulations Regarding Accessory Dwelling Units

(Second Dwelling Units, Guest Living Quarters,
Accessory Apartments and Accessory Living Quarters)

Effective May 22, 2009

Customer FAQ Sheet

On April 22, 2009 the Board of Supervisors approved an amendment to the Zoning Ordinance to streamline the regulations regarding Accessory Dwelling Units. These changes affect Second Dwelling Units, Guest Living Quarters, Accessory Apartments and Accessory Living Quarters.

Q. *What are the changes?*

- A. Previously, Zoning Ordinance Section 6156 identified four types of accessory dwellings: Second Dwelling Unit, Guest Living Quarters, Accessory Apartments ("Granny Flats") and Accessory Living Quarters. The amendment consolidated the accessory units into two types, Second Dwelling Units (Section 6156.x) and Guest Living Quarters Section 6156.k). The amendment also made changes to the regulations regarding Second Dwellings Units and Guest Living Quarters (summarized below).

The Accessory Apartment (Section 6156.w) and Accessory Living Quarters (Section 6156.l) provisions were repealed.

Q. *What is a Second Dwelling Unit?*

- A. "Second [Dwelling] Unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. (Government Code Section 65852.2(i)(4)).

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Q. *What is Guest Living Quarters?*

- A. Guest Living Quarters means living quarters attached to a primary dwelling unit without interior access or within a detached accessory building, which are for the sole use of persons employed on the premises or for temporary use by guests of the occupants of premises. Individual guests may be accommodated for a period not to exceed thirty (30) calendar days in any calendar year. Guest living quarters have neither kitchen facilities, wetbars nor laundry facilities and are not rented or otherwise used as a separate dwelling.

Q. *Why were the Accessory Apartment provisions repealed?*

- A. State Government Code Section 65852.1 which regulated "granny housing" (which is applicable to the County's Accessory Apartments) became inoperative on January 1, 2007. The Accessory Apartment provisions were repealed to bring the Zoning Ordinance into compliance with state law. Accessory Apartments are no longer permitted, however a Second Dwelling Unit or Guest Living Quarters may be permitted to accommodate this housing need, pursuant to Section 6156 of the Zoning Ordinance.

Q. *Why were the Accessory Living Quarters provisions repealed?*

- A. To further simplify the Zoning Ordinance regulations this section was also repealed. This housing need may be accommodated by a Second Dwelling Unit or Guest Living Quarters (or Farm Employee Housing, if applicable) pursuant to Section 6156 of the Zoning Ordinance.

Q. *What if I have an existing Accessory Apartment or Accessory Living Quarters on my property?*

- A. Accessory Apartments or Accessory Living Quarters that were permitted and constructed under the previous ordinance provisions will be allowed to remain pursuant to Section 6850 of the Zoning Ordinance.

Q. *What if I have building plans submitted for an Accessory Apartment, Accessory Living Quarters or Guest Living Quarters that don't meet the amended Zoning Ordinance provisions?*

- A. Plans that have been submitted to the Building Division prior to the effective date of this Zoning Ordinance Amendment will be reviewed under the Ordinance provisions that were in effect at the time the plans were submitted. Plans submitted on or after the effective date of the ordinance amendment shall be reviewed for conformance to the provisions of the amended ordinance.

Q. *What if my permitted Guest Living Quarters or garage was converted to a Second Dwelling Unit, Accessory Apartment or Accessory Living Quarters without permits [i.e.: it contains an unpermitted kitchen]?*

- A. If a structure contains a kitchen that was not included in the original permitted plans, the unit must be re-permitted as a Second Dwelling Unit, pursuant to all provisions and limitations of Section 6156.x. of the Zoning Ordinance. If the unit cannot meet all of the required provisions, the kitchen must be removed and the structure returned to the original approved design.

Summary of changes made to the Second Dwelling Unit provisions:

Minimum Lot Size: Second Dwelling Units were not allowed on lots that did not meet the minimum net area required by zoning under the previous ordinance provisions. Per the amended ordinance, if a legal lot* is at least 1 net acre in size and does not contain the minimum net area required by current zoning, a Second Dwelling Unit may be permitted upon approval of an Administrative Permit. However, groundwater dependent lots must still meet the provisions of 6156.x.3.

Administrative Permit: Previously, a Minor Use Permit was required for Second Dwelling Units on lots less than 20,000 sq. ft. in area or if the proposed unit exceeded 30% of the size of the main dwelling (up to a maximum of 50%, not to exceed 1,200 sq. ft.). Per the amended ordinance, the Minor Use Permit process was changed to an Administrative Permit process.

Garage Size Allowed: The maximum size of a garage/carport/storage area attached to a Second Dwelling Unit was 480 sq. ft. under the previous ordinance provisions. Per the amended ordinance, additional garage area may be permitted upon approval of an Administrative Permit (not to exceed the maximum allowed for all garages/ carports/ storage buildings detached from the main dwelling on a lot, pursuant to 6156.g).

Attaching to an Agricultural Building: Previously, a Second Dwelling Unit could be attached to an agricultural building or barn, by-right. Per the amended ordinance, a Second Dwelling Unit may be attached to an agricultural building or barn upon approval of an Administrative Permit.

Administrative Permit Findings Added: Required findings for the approval of an Administrative Permit were added to Section 6156.x.12.

No changes were made to the size limitations, parking requirements, groundwater requirements, architectural design requirements, etc. for Second Dwelling Units.

* **Note:** A legal lot as determined by Policy G-3, meaning the lot must have met the minimum net area required by the zone at the time it was legally created.

Summary of changes made to the Guest Living Quarters provisions:

Minimum Lot Size:

A70, A72, RR, S87 and S92 Use Regulations:

- No change.

RS, RV, RU, RRO and S88 Use Regulations:

- Minimum lot size required for Guest Living Quarters by-right was changed from "not less than one half acre" to "not less than 20,000 sq. ft."
- Minimum lot size required for Guest Living Quarters with approval of an Administrative Permit changed from "less than one half acre" to "less than 20,000 sq. ft."
- Previous ordinance provisions prohibited Guest Living Quarters on lots less than 10,000 sq. ft. in area. Per the amended ordinance, Guest Living Quarters may be permitted with approval of an Administrative Permit.

Maximum Unit Size Allowed:

By-right

- Previously, Guest Living Quarters were to be 25% the size of the main dwelling or 600 sq. ft., whichever was greater. Per the amended ordinance, Guest Living Quarters are to be 30% the size of the main dwelling, up to a maximum of 600 sq. ft.

Administrative Permit

- Previously there were no provisions to allow Guest Living Quarters to exceed 25% the size of the main dwelling. Per the amended ordinance, Guest Living Quarters may be permitted up to 50% the size of the main dwelling unit, with approval of an Administrative Permit.

Wetbars prohibited:

- Previous ordinance provisions allowed wetbars. Per the amended ordinance, wetbars are prohibited in Guest Living Quarters.